

**GOVERNMENT OF ANDHRA PRADESH**

**A B S T R A C T**

PS – I&CAD Dept – Irregularities in execution of works of Excavation of Left Main Canal Including construction of CM & CD works of formation of New MI Tank across Varahalagudda Near Chinamarik (V), Parvathipuram (M), Vizayanagaram Dist. – Finalization of Disciplinary Proceedings against Sri D.Sudhakara Rao, DEE – Imposition of a punishment of stoppage of one increment with cumulative effect on Sri D.Sudhakara Rao, Dy. Executive Engineer– Orders – Issued.

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IRRIGATION & CAD (SER.VII(V&E-2) DEPARTMENT

G.O.Ms.No.1372

Dated: 18-10-2008

Read the following:

- Ref:- 1.G.O.Rt.No.1343, I&CAD (CAD.Ser.II) Dept, dt.22.11.2003.  
2.G.O.Rt.No.973, I&CAD(V&E-2) Dept, dt.13.8.2004.  
3.From Smt. Chandana Khan, I.A.S., Commissioner of Inquiries, G.A. Department D.O.Lr.No.10/ COI. CK/ 2004, Dt.4.4.2005.  
4. Memo.No. 13146/ Ser.VII (V&E-2)/2003-5, dt. 19-11-2005  
5. From Sri D.Sudhakara Rao, Dy.EE representation dated 06-01-2006  
6. G.O.Ms.No. 176, I& CAD (Ser.VII (V&E-2) dept, dt. 03-10-2007.  
7. Orders of the Hon`ble APAT in O.A.No.s 8193/ 07 and 930/2008.  
8. Govt. Memo No. 13146/Ser.VII.(V&E-2)/2003-17, Dt. 15-7-2008.  
9. Representation of the Sri K.Sanyasi Rao, EE(Rtd), Dt. 28-7-2008.

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**O R D E R:**

In the reference 1<sup>st</sup> read above, departmental action has been initiated against Sri D.Sudhakara Rao, Dy.Executive engineer for his misconduct and dereliction of duties by violating Rule 3 of A.P.C.S.(Conduct) Rules, 1964 in execution of work of excavation of Left Main Canal, including construction of C.M & C.D. works of formation of new MI Tank across Varahalagedda near Chinamarika(V) in Paravthipuram (M), by framing Articles of charge.

2. In the reference 2<sup>nd</sup> read above, Smt.Chandana Khan, IAS., Commissioner of Inquiries, General Administration Department has been appointed as Inquiring Authority to conduct departmental inquiry into the charges framed against Sri D.Sudhakara Rao, Dy.Executive Engineer and (3) others. The Inquiring Authority has conducted the inquiry and submitted report in the reference third read above. After careful examination of the enquiry report, Government have decided to deviate the findings of the Inquiring Authority on certain reasons.

3. In the reference 4<sup>th</sup> read above, while communicating the enquiry report along with the reasons for deviation, Sri D.Sudhakara Rao, Dy. Executive Engineer has been directed to furnish his representation/ explanation on the decision of the government. In the reference 5<sup>th</sup> read above, Sri D.Sudhakara Rao, Dy. Executive Engineer has submitted his representation.

4. After careful examination of the representation of the charged officer , and after obtaining the concurrence of APPSC, orders were issued imposing a punishment of withholding of one increment with cumulative effect on Sri D.Sudhakara Rao, Dy. Executive Engineer vide reference 6<sup>th</sup> read above.

5. Aggrieved by the orders of the Government, Sri D. Sudhakra Rao, Dy. Executive Engineer, have filed O.A.No. 930/2008 before the Hon`ble APAT.

6. In the reference 7<sup>th</sup> read above, in its common Judgment, the Hon`ble APAT, while setting –aside the orders of the Government, have remanded the matter to the disciplinary authority for passing appropriate orders after giving an opportunity of hearing to the applicants in terms of law and to complete the exercise within a period of eight weeks from the date of receipt of the copy. The operative part of the order of the Hon`ble APAT is extracted below

“It is an anticipated fact that, the applicants have not been given any opportunity of hearing before passing the impugned orders of punishment in accordance with the law as extracted above. Therefore, it is in violation of the principles of natural justice. Hence, the impugned orders in both the O.A.s are liable to be set aside and accordingly they are set aside and the matter is being remanded to the disciplinary authority for passing appropriate orders after giving opportunity of hearing to the applicants in terms of the law extracted above. This exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. The O.A.s are allowed.”

7. Government have examined the matter in the light of the orders of the Hon`ble APAT and decided to act accordingly. Therefore, in the reference 8<sup>th</sup> read above, while setting aside the orders issued in the G.O. 6<sup>th</sup> read above, Sri D.Sudhakara Rao, Dy.Executive engineer, has been directed to submit his explanation / representation on the following observation of the Government,

“After careful examination of the enquiry report Government observes that the finding that the portion of work, which was not brought to the M.Book and not taken into consideration while sanctioning the estimate for the balance work, was not paid for and hence there was a saving to Govt. by itself, does not disprove the charge of failure to bring the work done to the measurement book and exclude it while sanctioning the estimate for the balance work. Similarly, the finding that there was no evidence of maintenance of the first placement register by itself points out a lapse on the part of the charged officers. In these circumstances, the conclusion that the charges are not proved does not appear to be sustained by the facts found in inquiry. There is every justification to hold these charges as partly proved.”

8. In the reference 9<sup>th</sup> read above, Sri D.Sudhakara Rao, Dy. Executive Engineer has submitted his representation on the above observations of the Government.

9. After careful examination of the representation of the individual with reference to the records of the case, it is found that the charged officer has erred in not recording the upto date measurements before handing over to the second agency. It is also found that the very fact that the charged officer's signature is appearing on the first placement register furnished by the V&E Department as well as the second register rebuts his contention and hence there is no ground to deviate from the stand taken by the Government.

10. Government, after considering the matter, decided to impose a punishment of withholding of one increment with cumulative effect on Sri D.Sudhakara Rao, Dy. Executive Engineer for his committed irregularities in execution of works of Excavation of Left Main Canal Including construction of CM & CD works of formation of New MI Tank across Varahalagudda Near Chinamarik (V), Parvathipuram (M), Vizayanagaram District and accordingly, order to impose a punishment of withholding of one increment with cumulative effect on Sri D.Sudhakara Rao, Dy. Executive Engineer.

11. The Engineer-in-Chief (AW), I&CAD Dept. Hyderabad shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

**S.P.TUCKER**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

To  
Sri D.Sudhakara Rao, DEE through Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad  
The I&CAD (Ser.II) Department.  
Copy to:  
The Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad.  
The Accountant General, AP, Hyderabad.  
The Secretary, APPSC, Hyderabad.  
The Secretary, APVC, Hyderabad.  
The General Administration (V&E) Department.  
The Govt. Pleader for I & CAD, APAT, Hyderabad

//FORWARDED : : BY ORDER//

SECTION OFFICER